



State of New Jersey

Department of Environmental Protection

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Trenton, New Jersey 08625

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

January 31, 2019

The Honorable Josh Gottheimer
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Gottheimer:

Thank you for your last letter of January 3, 2019 regarding the stockpiling of fill material at 3 Silver Spruce Drive in Vernon Township. This is to provide you with an update on the New Jersey Department of Environmental Protection's investigation of this site for possible violations of state environmental laws.

Since the time of our December 3, 2018 site visit with you, the DEP has continued to actively investigate this site. DEP has been monitoring trucks arriving at the site and has sought to identify the sources of fill material transported to the site—including by speaking with the truck drivers, reviewing the documents and allegations that you and others brought to our attention, and conferring with our counterparts in New York State who were reported to have had prior experience with Mr. Wallace. DEP inspectors spent several days during the past month conducting surveillance, attempting to identify whether disposal activities that violate state environmental laws are occurring. Given the time and resource-intensive nature of such monitoring efforts, the DEP also requested assistance from the local police department. Unfortunately, they declined to assist.

Despite these efforts, to date the DEP has not been able to confirm the allegations that Mr. Wallace has violated state environmental laws at the site. Our inspections revealed no visual or olfactory evidence suggesting the presence of contamination at the site. DEP's investigation is ongoing, and should this assessment change, you will be apprised.

The DEP has no reliable evidence of facts that support the conjecture that the fill has contaminated or will contaminate water sources. A single test of "roadway runoff" that was provided to the DEP by Mr. Wallace's neighbor in October 2018 does not provide reliable evidence, due to the lack of information showing that reliable sampling protocols and methods were employed in obtaining and analyzing the sample. Moreover, no connection between this sample, the fill material, and any water supply has been demonstrated. The DEP takes concerns about contamination of water sources very seriously.

As you are aware, both Vernon Township and the Sussex Soil Conservation District have taken appropriate local legal action to address this site, consistent with their jurisdiction over local land use and soil erosion concerns. The DEP has recently been informed that the local courts, after a period of inaction, have scheduled a February hearing. The DEP is encouraged by this development and supports these local efforts to obtain compliance with laws governing land use and soil erosion.

The exercise of local land use authority to address this situation may be the best path for quick resolution. In the meantime, we encourage local authorities who are or may become aware of any suspect fill material, such as noxious odors or visible discharges of oily liquid from the soil stockpile to report this at once to the DEP. We will continue to respond promptly, as we have in the past, to any requests from local authorities.

While we certainly understand and appreciate the community's frustration with Mr. Wallace's activities and this large stockpile of fill, the DEP is not aware of facts confirming that there has been a violation of New Jersey environmental laws at this time. The DEP continues to monitor and investigate the situation and to review all available information that might change this assessment.

Sincerely,



Catherine R. McCabe

cc: The Honorable Harry Shortway
Mayor, Township of Vernon

Mr. Frank Minch
State Soil Conservation District Executive Secretary